

Exhibit 13

3505-14

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 IN RE: JUUL LABS, INC.,)
4 MARKETING, SALES PRACTICES, AND)
5 PRODUCTS LIABILITY LITIGATION)
6 This Document Relates to:)
7 SAN FRANCISCO UNIFIED SCHOOL)
8 DISTRICT,)
9 Plaintiff,)
10 vs.) No. 19-MD-2913-WHO
11 JUUL Labs, Inc. F/K/A PAX Labs,)
12 Inc.; James Monsees; Adam Bowen;)
13 Nicholas Pritzker; Hoyoung Huh;)
14 Riaz Valani; Altria Group, Inc.;)
15 Altria Client Services LLC;)
16 Altria Group Distribution)
17 Company; AND Philip Morris USA,)
18 Inc.,)
19 Defendants.)
20 Case No.: 3:19-cv-08177)
21)
22)
23)
24)
25)

18 *** HIGHLY CONFIDENTIAL ***

19 VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION OF
20 SAN FRANCISCO UNIFIED SCHOOL DISTRICT
21 with designated corporate representative QUARRY PAK
22 pursuant to Rule 30(b) (6), Thursday, May 13, 2021
23
24 REPORTED BY: MARLA SHARP, RPR, CLR, CCRR,
25 CA CSR 11924, OR CSR 17-0446, WA CSR 3408
26 JOB NO. 193657

1 significant and unexpected levels of
2 time and resources on addressing the
3 pervasiveness of youth e-cigarette use."
4 And so I won't ask you to explain what the
5 lawyers were thinking or any of the legalese in this
6 document.

7 But my question for you, as it relates to
8 budgets and funding, is: Has the district
9 quantified the amount of resources spent "addressing
10 the pervasiveness of youth e-cigarette use"?

11 A What do you mean by "quantify"?

12 Q Has the district come up with a number that
13 it associates with the resources spent on addressing
14 the pervasiveness of youth e-cigarette use?

15 A No.

16 MR. CUTLER: I'm going to object to the
17 extent that the question is outside the scope of the
18 topics.

19 BY MR. OSBORNE:

20 Q Ms. Pak, you can answer.

21 A No.

22 Q Okay. The next paragraph will be No. 718.
23 This paragraph begins:

24 "Plaintiff has had to devote and
25 divert staff resources to conduct staff

1 Q And for anyone, is there a carve-out as it
2 relates to the underage use of alcohol?

3 A No.

4 MR. OSBORNE: Okay. So next we'll be in
5 question 17, please, Ms. Diamond.

6 BY MR. OSBORNE:

7 Q So in response to question No. 17, the
8 district describes its damages, which is another of
9 the legal phrases that I won't ask you to testify
10 about specifically. But as it relates to the other
11 items identified, so subsection 1, 2, 3, 4, and 5 of
12 the district's answer, I do have some questions.

13 Is there a budget line item related to the
14 instructional time and attendance lost by students
15 engaging in vaping?

16 A No.

17 Q Is there a budget line item as it relates
18 to the health risk to students in the school
19 community, I suppose, caused by students engaging in
20 vaping?

21 A No.

22 Q Is there a budget line item related to the
23 time and costs spent developing curriculum,
24 education, training for school staff, students,
25 parents, guardians, or caregivers as it relates to

1 the use of electronic cigarettes by students?

2 A No.

3 Q Is there a budget line item that relates to
4 the time and costs to offer supports, interventions
5 and discipline related to students using electronic
6 cigarettes?

7 A No.

8 Q Is there a budget line item related to
9 administrative time spent on developing new board
10 policies?

11 A On what topics?

12 Q In general.

13 A In general, for the whole school district?

14 Q Is there a budget line item related to
15 administrative time spent on developing new board
16 policies?

17 A No.

18 Q Is there a budget line item related to
19 administrative time spent on developing board
20 policies related to student use of electronic
21 cigarettes?

22 A No.

23 Q And is there a budget line item related to
24 the administrative time spent developing regulations
25 to address vaping?

1 that now would be a good time to take a break. Any
2 strong disagreement?

3 THE WITNESS: That's fine.

4 MR. CUTLER: Yep. Works for me. Thank
5 you.

6 THE VIDEOGRAPHER: We're going off the
7 record at 11:25 a.m.

8 (Recess taken from 11:25 a.m.

9 to 11:42 a.m.)

10 THE VIDEOGRAPHER: We're back on the record
11 at 11:42 a.m.

12 BY MR. OSBORNE:

13 Q Ms. Pak, so we've talked at length about
14 things that relate to the tobacco education program.
15 I'd like to talk specifically about the program
16 itself.

17 When did the tobacco education program
18 start in the school district?

19 A I believe around 1988. Whenever -- after
20 Prop 99 was passed.

21 Q Okay. And do you know what the program
22 entailed back then in the '80s?

23 A No, not to detail.

24 Q Okay. And so could you just remind me when
25 you started at the district, what year?

1 run a school being reflected in the budget.

2 Is there anything in the budget that
3 specifically relates to the costs allocated
4 concerning underage use of ENDS products?

5 A The only specific allocation's our tobacco
6 grants program for the training and activities
7 related to that grant.

8 Q And are there any specific costs allocated
9 in the budget for costs concerning underage use of
10 JUUL products, specifically?

11 A No.

12 Q Are any costs allocated in the budget
13 concerning underage use of alcohol, specifically?

14 A I don't know what you mean by "costs." The
15 budget does not consist of costs. It consists of
16 our proposed budget expenditures. It's a projection
17 of what we're going to spend.

18 Q Okay.

19 A And what -- what we're accountable for.
20 I'm not a, you know -- like, I don't evaluate costs.
21 I don't -- that's a different word than "budget."
22 I'm just trying to clarify what the question is.

23 Q Okay. All right. So I'll use -- would you
24 understand what "expenditures" means?

25 A Yes. It's money that we are planning to

1 would be devoted towards ENDS products?

2 A There's no percentage. It's all included.
3 There's no specific set-aside percentage. The
4 tobacco age right now is 21 in California. So
5 it's -- for all intents and purposes, for all our
6 students it's all underage use.

7 Q Does this funding from resource code
8 66950 -- is some of it used for education as it
9 relates to alcohol use by students?

10 A No.

11 Q Is some of it used for education related to
12 the use of illegal drugs?

13 A No.

14 Q And is any of it used for education as it
15 relates to cannabis products?

16 A No.

17 Q So, to your knowledge, does the district
18 have any way to determine what percentage of the
19 resource total is allocated for expenditures related
20 specifically to JUUL products?

21 A No, not that I'm aware of.

22 Q And did -- okay.

23 And does the district have any way to
24 determine what percentage of the resource total is
25 allocated specifically toward the use of ENDS

1 products in general?

2 A No.

3 Q Is there anywhere else, to your knowledge,
4 in this budget book where expenditures related to
5 the TUPE program are reflected?

6 A No. We reviewed them, those three.

7 Q Is there anywhere else in the budget where
8 the allocations for expenditures concerning use of
9 JUUL products are reflected?

10 A No. No.

11 MR. OSBORNE: Okay. Ms. Diamond, we can
12 take this exhibit down.

13 BY MR. OSBORNE:

14 Q You mentioned earlier that -- and please
15 correct me if I'm misstating what you said because
16 my goal is just to get a baseline for a question.

17 My understanding of your earlier testimony
18 was that the budgets from prior years were
19 constructed similarly to the budget that we just
20 went through.

21 Is that an accurate statement?

22 A The district budgets and the program
23 budgets, yes.

24 Q Okay. Are you aware of a budget where
25 there were allocations -- specific allocations made

1 for addressing underage use of ENDS products in the
2 district budget?

3 A No.

4 Q Are you aware of any other --

5 A I -- other than the general tobacco grants
6 we just reviewed, no.

7 Q Okay. And other than the general tobacco
8 grants that we just reviewed for fiscal year 2020 to
9 '21, are you aware of any past budgets that
10 contained specific allocated costs concerning use of
11 tobacco products by students?

12 A No, other than the tobacco grants.

13 MR. OSBORNE: Okay. Ms. Diamond, would you
14 please put back up the notice, which was Exhibit 1.

15 BY MR. OSBORNE:

16 Q Ms. Pak, aside from the tobacco grants, are
17 you aware of any other sources of budgeted revenues
18 that are specifically allocated to actions
19 concerning underage use of ENDS products?

20 A No.

21 Q Other than the tobacco grants, are you
22 aware of requests for funding by the district
23 concerning underage use of ENDS products?

24 A No.

25 Q Are you aware of any requests for funding